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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/653,034	05/24/96	BISCHOFBERGER	N 205.5

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12M2/0903

EXAMINER
WEDDINGTON, K

ART UNIT	PAPER NUMBER
1205	12

DATE MAILED:

09/03/97

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/652,034**

Applicant(s)  
**Bischofberger et al.**

Examiner  
**Kevin E. Weddington**

Group Art Unit  
**1205**



☒ Responsive to communication(s) filed on September 3, 1996; January 28, 1997; May 19, 1997 and August 4, 1997;

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1, 2, and 4-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 2, and 4-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5, 7 and

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claims 1-20 are presented for examination.

Applicants' information disclosure statements filed September 3, 1996; January 28, 1997; May 19, 1997 and August 4, 1997 have been received and entered.

Applicants' election filed July 2, 1997 in response to the restriction requirement of March 26, 1997 has been received and entered. The applicants elected the invention described in claims 1, 2 and 4-20 (Group I) without traverse and claim 3 is canceled.

*Claim Rejections - 35 U.S.C. § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2 and 4-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Meindl et al. (R).

Meindl et al. teach 2-deoxy-2,3-dehydrosialoc acid compounds, the same as applicants' instant compounds, that are used to inhibit neuraminidase activity (see the abstract). Note the reference teaches the applicants' instant compounds and possesses the intended activity, therefore, the cited reference anticipates the invention.

Claims 1, 2 and 4-20 are not allowed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner K. Weddington whose telephone number is (703) 308-1235.

*cc. Weddington*

KEVIN E. WEDDINGTON  
PRIMARY EXAMINER

*Art Unit 1205*

K. Weddington

September 2, 1997